

**Planning Board**  
TOWN OF BRUNSWICK  
336 Town Office Road  
Troy, New York 12180

**MINUTES OF THE PLANNING BOARD MEETING HELD June 16, 2011**

PRESENT were CHAIRMAN RUSSELL OSTER, MICHAEL CZORNYJ, FRANK ESSER, GORDON CHRISTIAN, KEVIN MAINELLO, DAVID TARBOX and VINCE WETMILLER.

ALSO PRESENT were JOHN KREIGER, Code Enforcement Officer, and MARK KESTNER, Consulting Engineer to the Planning Board.

Chairman Oster reviewed the tentative agenda for the meeting, which included the reconvening of the public hearing on the Charles Farrell major subdivision, the Stoneledge Terrace site plan application, the Snyder site plan application, and the Oakwood Property Management, LLC site plan application. Chairman Oster noted that the Stoneledge Terrace site plan application was removed from the agenda because the applicant was still in the process of resolving zoning issues associated with the proposal. Chairman Oster also noted that Oakwood Property Management, LLC site plan application had been removed from the agenda because the applicant had withdrawn the application.

The Planning Board reconvened the public hearing on the major subdivision application by Charles Farrell for property located at the intersection located at McChesney Avenue Extension and Town Office Road (Tax Map ID No. 102-2-3.12). Brian Holbriiter and Scott Reese were present for the applicant. Mr. Holbriiter noted that, following the June 2, 2011 Planning Board meeting, there remained three outstanding issues for the Applicant to address: (1) the Planning Board had requested that the Applicant obtain a letter from the Rensselaer

County Highway Department concerning the traffic impacts associated with the project; (2) the Planning Board had requested that the applicant consult the Brittonkill School District Superintendent concerning the addition of approximately twenty-three school age children to the district resulting from the project; and (3) Mr. Kestner requested that he, along with the applicant's consultants, meet with the Rensselaer County Health Department concerning well and water issues.

Concerning the Planning Board's request that the applicant obtain a letter from the Rensselaer County Highway Department concerning potential traffic impacts, Mr. Holbitter indicated that he had obtain the requested letter and he presented the letter to Mr. Kestner, the Planning Board, and Mr. Kreiger. Concerning the Planning Board's request that the applicant consult with the Brittonkill School District Superintendent concerning the addition of approximately twenty-three school age children to the district, Mr. Holbitter indicated that he had contacted the Superintendent and asked whether the Superintendent had any concerns with respect to adding 25-30 students to the district, and the Superintendent indicated that the school district was not concerned with the addition of 25-30 students, especially given that enrollment is currently down. Concerning the proposal by Mr. Kestner to meet with the applicant's consultants and the Rensselaer County Heath Department regarding water and well issues, Mr. Holbitter relayed that he, Mr. Kestner, and the project engineer held a meeting on Monday, but that neither the County Engineer, nor a representative from the County Heath Department were able to attend. Mr. Kestner relayed that the County Health Department had nonetheless informed him that it would like water quality test results on the two remaining test wells on which water quality tests were not performed. Mr. Kestner also stated that he was working with the project engineer on developing expanded yield testing from the test wells. Mr. Kestner also asked the

applicant to obtain well logs from the County wells on adjacent properties if available. Member Czornyj had a question concerning the difference in test results between the tests performed by Mr. Kenneally, and the tests performed by Gould. It was confirmed that the County Health Department would be basing its determination on the Gould tests, as Mr. Kenneally was not approved by the County to conduct the type of testing that was performed. Mr. Kestner would nonetheless like to understand the difference between the test results. Mr. Kenneally responded that the difference in tests results was likely due to the test well having been hydrofracked.

Mr. Holbriiter also indicated that, at the Monday meeting, Mr. Kestner had raised the issue of the driveway on proposed Lot 6. Mr. Reese indicated that the proposed driveway had been revised and submitted to Mr. Kestner. Mr. Reese explained the changes that had been made to the private driveway on Lot 6 to accommodate emergency vehicle access.

At this point, the Planning Board requested that Mr. Holbriiter and Mr. Reese briefly review how the public comments received thus far had been addressed at the prior meeting. Mr. Holbriiter and Mr. Reese briefly reviewed the comments that had been received and the manner in which they were addressed, including with respect to traffic impacts, impacts on the school district, impacts on property taxes and homes values, the right to farm law, drainage, stormwater, and stream protection impacts, tree removal and earth removal volumes, water testing, appearance of stormwater management areas, impacts to wildlife, preservation of the natural buffers, and access to natural gas supply lines.

At this point, the Planning Board invited the public to submit comments on the project. Michael Seddon, 494 McChesney Avenue Extension, stated that he had retained attorney David Everett from the law firm of Whiteman, Osterman and Hanna, who had authored a letter outlining a number of issues associated with the project that he requested the Planning Board

ensure were addressed prior to granting approval. Mr. Seddon submitted the letter to the Planning Board. Mr. Seddon also stated that he was concerned that the project had not met all of the requirements of the Town of Brunswick Local Law No. 5 of 2007 concerning stormwater management. Peter Meskoskey, 168 Town Office Road stated that he did not see anything in the application materials regarding setting aside an area for parkland or the payment of a park and recreation fee of \$500 per lot. The Planning Board responded that the developer would be required to \$500 per lot. Mr. Meskoskey also stated he was concerned with the Town Office Road and McChesney Avenue entrances to the subdivision. He stated that he was aware of an accident that occurred three weeks ago as well as an accident that occurred a month and a half ago on those roads. He also stated that he has observed many people exceeding the speed limit in the area of the project. He also stated that, given “cut through” traffic, traffic along these roads is heavier than otherwise conveyed and he asked whether the site distances were shown on the subdivision plan. Mr. Holbriiter indicated that the site distances were actually not shown on the subdivision plan, and that they were instead addressed in the document submitted at the June 2, 2011 Planning Board meeting, wherein the applicant addressed the comments submitted by the public. Mr. Meskoskey also stated that the site distance on McChesney Avenue Extension to the east of the proposed subdivision road is not likely 400 feet, but is instead, according to his measurements, between 260 and 300 feet, given the fact that there is a blind hill in that area. Mr. Holbriiter explained to Mr. Meskoskey and the Planning Board how he measured the site distance. He also indicated that the site distance to the east on McChesney Avenue Extension was approximately 435 feet. Mr. Meskoskey would like the site distance verified by the Planning Board. Mr. Kestner also explained the process of measuring site distance. Mr. Holbriiter explained that he would be willing to coordinate with Mr. Meskoskey to show him

how site distance is measured in the area of the subdivision access road on McChesney Avenue Extension. Mr. Holbriiter also explained that in measuring the site distances he complied with Department of Transportation regulations that require that the measurement of required site distance be increased by a stated percentage for “rural highways”, in part to account for cars traveling in excess of the speed limit. Mr. Oster noted that the speed limit on McChesney Avenue Extension was posted as 35 miles per hour, and that McChesney Avenue Extension is a County road, and therefore the issue of vehicles exceeding the speed limit is a County issue and an enforcement issue. Peter St. Germain, 490 McChesney Avenue Extension, said that he has also observed speeding in the area of the subdivision project. He has concerns also about the site distance on McChesney Avenue Extension because of a hill in the road that obscures the view of traveling cars. He also noted that very few people actually travel the speed limit on McChesney Avenue Extension.

At this point, Chairman Oster discussed whether the Planning Board should close the public hearing or allow it to remain open. Attorney Kenney suggested that the Planning Board consider keeping the public hearing open given the fact that Whiteman, Osterman and Hanna had submitted an extensive letter that the Board has not yet had an opportunity to review. Attorney Kenney suggested that the Planning Board and the applicant review the letter to determine whether the comments therein have already been addressed or whether there are any new comments raised in the letter that need to be addressed by the applicant. The Planning Board determined to keep the public hearing open.

The Planning Board then opened the public meeting. The draft minutes of the June 2, 2011 meeting were reviewed. No corrections were noted. A motion was made and seconded to approve the minutes and the motion was approved unanimously.

The first item of business on the agenda was the major subdivision application of Charles Farrell for property located at the intersection of McChesney Avenue Extension and Town Office Road (Tax Map ID No. 102-2-3.12). The Planning Board acknowledged receipt of the letter from David Everett, attorney for Michael and Josie Seddon. Chairman Oster indicated that the Planning Board should review the letter and commented that the applicant would probably also prefer to review the letter. Brian Holbriiter, representing the applicant, indicated that he would like to review the letter and address any issues that have not yet been addressed, if any. At this point, Chairman Oster explained that the Planning Board retains engineering and legal consultants for the purpose of reviewing technical and legal issues associated with any project and to get recommendations concerning technical and legal issues. Chairman Oster noted that the Planning Board works closely with their consultants and that the Planning Board engineer, Mr. Kestner, will review and discuss the issues raised in the letter with the applicant's consultants. The Planning Board and the applicant agreed that the application would be tentatively scheduled to be on the agenda for the next Planning Board meeting, July 7, 2011. Attorney Kenney noted that the Planning Board should consider allowing a segment of the July 7, 2011 meeting for public comment on the proposal since the public hearing remained open. Mr. Kestner also noted that there was a comment received at the public hearing held on May 5, 2011 concerning the Farrell application that the basement of Mr. Duncan's home on McChesney Avenue Extension flooded as soon as the test wells were installed on the project site and a pump test conducted. Mr. Kestner would like to obtain more information concerning whether the tests wells and the flooding of Mr. Duncan's basement were related in any way, including the elevation of the Duncan basement. Mr. Kestner also noted that the County had relayed to him that it had received a call from an unidentified woman who said her well was affected during the

pump test, but that no further information was available. There was general discussion concerning the well testing differences between Mr. Kenneally and Mr. Gould. Mr. Kestner confirmed that the Health Department will use the Gould well logs because Mr. Kenneally is not County-approved, but Mr. Kestner requested that Mr. Gould update the well log, given the differences between his tests and Mr. Kenneally's tests. The Planning Board asked whether the applicant had an illustration or a picture of the proposed homes and Mr. Holbriiter indicated that he will provide one. The Planning Board also requested that Mr. Holbriiter provide updated plans to reflect the changes that have been made in the project. Mr. Holbriiter indicated that the cost of producing the plans is high and requested that the Board consider narrowing its request in an effort to reduce costs. The Planning Board determined that it would accept from Mr. Holbriiter just the sheets which needed to be updated and that would be relevant for the Planning Board to review. Mr. Holbriiter indicated that he would be willing to provide a full set of updated plans to Mr. Kestner. Member Wetmiller had a question concerning how the number of trips added by the project were calculated. Mr. Reese explained that the traffic impact is determined by using a mathematical formula based in part on the number of homes in the project. Member Czornyj commented that the result does not seem to necessarily reflect accurately the amount of traffic added. Mr. Reese explained that the calculation concerns the number of trips added during the peak period and that the actual cumulative number of trips added in any given day may be different, but that the number of additional trips during the peak traffic hours is what is important in assessing potential traffic impacts. Member Czornyj also inquired whether the other developments on McChensey Avenue Extension were taken into account in assessing traffic impacts. Mr. Reese indicated that the County has records that can be reviewed, and that if the records are not current then the traffic numbers can be updated

accordingly. Member Esser noted that not all traffic would be entering on McChesney Avenue Extension, as the subdivision also had an access point at Town Office Road, and some residents would be using that access point. Chairman Oster asked the applicant to take these comments into consideration and perform further traffic analysis. The Planning Board determined that the Farrell subdivision would be on the agenda for the July 7, 2011 meeting with a public hearing to be held at the beginning of the meeting, at 7:00 p.m. Mr. Meskoskey commented that nearby car dealerships use this area for test drives and that service vehicles like UPS and FedEx should also be taken into account. Chairman Oster noted that those types of comments should be made during the public hearing part of the meeting. Attorney Kenney indicated he will send out notices of the public hearing to be held on July 7, 2011 to the adjacent property owners.

The next item of business on the agenda was the Boswell Engineering Stoneledge Terrace site plan application. Chairman Oster noted that the matter had been removed from the agenda, as the applicant still needed to resolve outstanding zoning issues.

The next item of business on the agenda was the Snyder site plan application. Mr. Snyder further discussed his proposal to operate a dog kennel on an approximate 11.6 acre parcel located at 1802 NY Route 7. Concerning the issue of the grade of the driveway, Mr. Snyder indicated that the average grade of the driveway was 9.4%, which is below the maximum 10% grade allowed by the Fire Code. He further indicated that for portions of the driveway that currently exceed the 10% grade, an excavator has indicated that the driveway can be graded to comply with the maximum grade limitation. The Planning Board requested that Mr. Snyder provide updated plans showing the grading plan for the driveway. Mr. Kreiger explained to the applicant that the Fire Code required that the grade of the driveway be no greater than 10%, but that if the driveway could not be graded such that it would come into compliance, the applicant

could seek approval directly from the Fire Chief. Mr. Kreiger also explained that the Town requires that the driveway have a grade of no greater than 12%, and that if the driveway cannot be graded to come into compliance with that standard, then a waiver can be sought from the Town Board. Mr. Kestner also indicated that the applicant should consult DOT concerning obtaining a minor commercial driveway permit for the project. Member Czornyj explained to the applicant that he should inform DOT of the approximate number of vehicles that would be entering and exiting the driveway. Chairman Oster informed the applicant that there may be a public hearing on his application. He also reminded the applicant that a road profile for the driveway must be submitted. The Snyder site plan application will be on the July 7, 2011 agenda.

The next item of business on the agenda was the Oakwood Property Management, LLC site plan application. Chairman Oster indicated that the application was removed from the agenda as the applicant had withdrawn its application. There was general discussion concerning the fact that there was a Town Board meeting concerning the Oakwood property site scheduled for Monday, June 20, 2011, following the Zoning Board of Appeals meeting.

Two items of new business were discussed.

Jamie Kenneally submitted a minor subdivision application for property located on Cooksboro Road near Route 7. The property is a 13 acre site and the proposal calls for four separate lots with no separate subdivision roads. Mr. Kenneally submitted a survey prepared by Brian Holbriiter which indicates wetlands and wetland buffer areas. Mr. Kenneally indicated that two of the lots have no wetlands and the other two have wetlands but there is sufficient area on those lots to build. Mr. Kenneally also indicated that a representative from DEC has indicated that the subdivision proposal is acceptable as long as the wetlands buffer area is respected. Mr.

Kenneally indicated that Steven Dean, his engineer, is currently designing septic systems. Mr. Kenneally also noted that he had submitted applications for four driveway permits to the Rensselaer County Highway Department and was notified today that the four driveway permits were issued and had been sent to him in the mail. There was general discussion of the location of septic and wells with respect to adjacent properties. The Planning Board requested that the subdivision plans show topographical lines going beyond the property lines at five-foot intervals. Mr. Kreiger noted that the property site is currently zoned A40. The Planning Board requested that the applicant provide each Board member with a copy of the subdivision plans. Chairman Oster advised the applicant that there would be an escrow fee of \$500 required for technical and legal review by the Planning Board. He also advised the applicant that the subdivision would require the payment of \$500 per lot as a park and recreation fee. The application will be on the agenda for the meeting held on July 7, 2011.

The next item of new business was the Feathers Furniture site plan application for property located on Route 7. Rob Feathers appeared for the applicant. Mr. Feathers explained that the proposal is to utilize a portion of the space of the Feathers Furniture building as an area to be leased for a dance studio, which is currently operating on the opposite side of Route 7. He indicated that the building is approximately 19,000 square feet, and that the portion to be rented to the dance studio is approximately 3,000 square feet. Chairman Oster asked whether the adjacent Gendron's lot was part of the same parcel. Mr. Kreiger indicated that he would look into that issue. The Planning Board noted that the site plan application was necessary because it proposes to add parking on the side of the building. There was general discussion concerning whether the east side of the building contained enough area to allow a sufficient number of parking spaces with adequate driving lanes and turn-arounds, as well as green space. Member

Esser advised the applicant that proposed lighting for the parking area should be shown. Member Czornyj indicated that the applicant should show any proposed pedestrian sidewalks or other walkways. The applicant indicated that the furniture store closes at 6:00 pm on some nights and 7:00pm on other nights, and that the business of the dance studio begins to pick up around the same time. Chairman Oster indicated that additional detail will be required on the site plan including showing the pavement boundaries, the lighting, any sidewalks, and similar matters. The Planning Board advised the applicant that the proposed changes should be shown on the latest approved site plan. Mr. Kreiger indicated he will check the prior site plans so the applicant can work off the latest approved site plan and the applicant agreed that he will meet with John Kreiger to further develop his application. Mr. Kreiger noted that he had preliminarily calculated the required number of parking spaces as 15 parking spaces for the dance studio, and 27 parking spaces for the furniture store. A question arose concerning whether the minimum number of parking spaces would be 27 spaces (for instance, if the two businesses are operating at different hours) or if 42 spaces would be required regardless of operating hours of the businesses. The Planning Board advised that the entire site would need to include 35% green space. The Planning Board determined after general discussion that the applicant would be required to pay \$1,500 into escrow for the Planning Board's review costs. Chairman Oster also advised the applicant that the site plan application would be likely subject to a public hearing. The matter will be on the July 7, 2011 agenda.

The index for the June 16, 2011 meeting is as follows:

1. Farrell – major subdivision – 7/7/11 (public hearing to be reconvened at 7:00 p.m.);
2. Boswell Engineering - Stoneledge Terrace site plan – 7/7/11 (tentative);
3. Snyder – site plan – 7/7/11;
4. Oakwood Property Management, LLC – application withdrawn; no further action at this time;
5. Kenneally – minor subdivision – 7/7/11;
6. Feathers Furniture – site plan – 7/7/11.

The tentative agenda for the July 7, 2011 meeting currently is as follows:

1. Farrell – major subdivision (public hearing to reconvene at 7:00 p.m.);
2. Boswell Engineering – Stoneledge Terrace site plan (tentative);
3. Snyder – site plan;
4. Kenneally – minor subdivision – 7/7/11;
5. Feathers Furniture – site plan – 7/7/11.